

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:01-cr-178-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	
)	
Vs.)	ORDER
)	
JERMARR LOUIS GARRETT,)	
)	
Defendant.)	

THIS MATTER is before the court on defendant's pro se Motion to Terminate Supervised Release (#264). Review of the Amended Judgment (#238) in this matter reveals that defendant was sentenced to an active term of imprisonment of 120 months, followed by five years of supervised release. See also Judgment (#103). A motion for early termination of supervised release is governed by 18 U.S.C. § 3583(e)(1) and Rule 32.1, Fed.R.Crim.P. While such rule does not place restrictions on who may file a Motion for Early Termination, meritorious requests are typically sponsored by the probation officer supervising the defendant.

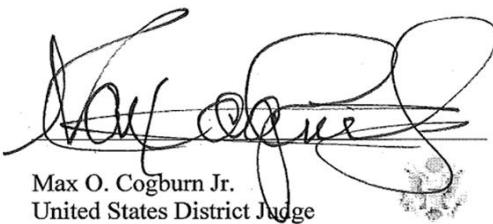
In the instant motion, defendant states that he has “shown exemplary post-conviction adjustment and conduct” Motion at 2. He does not reflect whether his case officer joins in the motion. While Section 3583(e)(1) provides that supervision may be terminated after one year, the court must be “satisfied that such action is warranted by the conduct of the defendant....” Id. While defendant states that his conduct has been exemplary, the court is not satisfied by such unsworn statement as it does not meet the standard provided in the statute as it is non-evidentiary. Defendant is advised that such evidence is usually presented in the form of affidavits or unsworn declarations, and usually includes a positive recommendation from his

supervising officer. Defendant is advised that while it is *possible* to have supervised release terminated without support from his supervising officer, nearly all successful motions include a positive recommendation or sponsorship from the supervising officer. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Terminate Supervised Release (#264) is **DENIED** without prejudice as to the later filing of a motion supported by evidence indicating that such relief is warranted by his conduct while on release and is also in the interests of justice.

Signed: October 29, 2013



Max O. Cogburn Jr.
United States District Judge